is the opposite, and said therapeutically active agent is released from said implant [at the site of implantation] within a therapeutic dosage which does not vary by more than about 100% for a period of at least about 3 days after implantation.

Please add the following new claims:

30. The implant according to Claim 10, wherein said release modifier comprises an accelerator selected from the group consisting of water soluble polymers, sugars and hydrophilic, physiologically acceptable active agents.

31. The implant according to Claim 30, wherein said release modifier comprises a water soluble polymer.

32. The implant according to Claim 10, wherein said release modifier comprises a retardant selected from the group consisting of non-water soluble polymers, low-water soluble organic compounds and hydrophobic, physiologically acceptable active agents.

33. The implant according to Claim 32, wherein said release modifier comprises a non-water soluble polymer.

REMARKS

The Examiner has rejected the pending claims on the following ground:

1) The Examiner has rejected Claims 10, 11, 13 and 18 under 35 U.S.C. §102(e) as anticipated by Bernstein *et al.*, U.S. Patent No. 5,656,297.

Applicant respectfully traverses the Examiner's rejection of the claims and presents the following remarks in support.

Claims 1-9 were originally pending for prosecution in the present case. By preliminary amendment Applicant cancelled Claims 1-9 and added new claims 10-29. In response to the restriction requirement mailed 10/18/99, Applicant elected species (a) wherein the therapeutic agent may be any agent, and selected hydroxypropyl methyl cellulose as the species of release modulator for prosecution. Applicant has amended independent Claim 10 to clarify the improvement provided